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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,044	12/13/2000	Frederic Bordeaux	195910US0PCT	4048

22850 7590 08/27/2002

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EXAMINER

ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/27/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/622,044

Applicant(s)

BORDEAUX ET AL.

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: "0,8" should be --0.8-- on page 2, line 15.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 27, it is unclear what is meant by "wherein the outer faces of the anti-laceration glazing comprises a plastic sheet" since a grammatically correct phrase would state that that outer faces comprise and not comprises. Therefore, do Applicants mean that at least one of the outer faces comprises a plastic sheet as recited in the last paragraph on page 7 of the present specification? Applicants are asked to clarify.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 12-18, 24, 26-27 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattimoe et al. (US 4242403).

Regarding claims 12 and 28, Mattimoe, directed to making an anti-laceration glazing 10, teaches adhering glass sheets 15, 16 with an intercalary adhesive layer 17 having a thickness of more than 0.76 mm; note that reference teaches the adhesive having a thickness in the range 0.015-0.060 inches which is equivalent to 0.38-1.52 mm wherein the part of the range from 0.761-1.52 mm is consistent with Applicants claimed invention (Figure 3; column 1, lines 34 and 48-51 and 57-58; column 3, lines 32 and 40-42 and 57-63).

Regarding claims 13-14, the reference teaches the glazing having anti-laceration properties in the non-intact state and the bent state (column 1, lines 45-60).

Regarding claim 15, the reference teaches the adhesive layer having a thickness less than or equal to 2 mm (column 3, lines 61-63).

Regarding claim 16, the reference teaches the adhesive layer having a thickness of less than or equal to 1.90 mm (column 3, lines 61-63).

Regarding claim 17, the reference teaches the adhesive layer having a thickness of less than or equal to 1.53 mm (column 3, lines 61-63).

Regarding claim 18, the reference teaches the adhesive layer being polyvinylbutyral (column 3, lines 44-46).

Regarding claim 24, the reference teaches the glass sheets having a thickness from 0.04-0.125 inches which is equivalent to 1.01-3.18 mm wherein the part of the range from 1.5-3 mm is consistent with Applicants claimed invention (column 3, lines 57-61).

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Regarding claim 26, the reference teaches the glazing comprising a function at least one functional layer 18 (Figure 3; column 3, lines 63-66).

Regarding claim 27, the reference teaches the outer face of glass sheet 16 having the functional layer 18, which is plastic, thereon (Figure 3; column 3, lines 63-65).

Regarding claim 29, the reference teaches an automobile 13 comprising the anti-laceration glazing 10 (Figure 1; column 3, lines 31-35).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattimoe et al.

Regarding claim 13-14, if it is not taken that the reference teaches the glazing having anti-laceration properties in the non-intact and bent states, the skilled artisan would have appreciated that the reference teaches the glazing having an adhesive layer with a thickness greater than 0.76 mm, which according the present invention, results in a glazing having anti-laceration properties in the non-intact and bent states. Therefore, since the glazing of the reference and the glazing of the present invention both have an adhesive layer with a thickness greater than 0.76 mm only the expected results of the reference's glazing also having anti-laceration properties in the non-intact and bent states would have been achieved.

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8. Claims 19-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattimoe et al. in view of the Admitted Prior Art in the specification of the present application.

Regarding claims 19-22, the reference is silent as to these particular adhesives. However, one reading the reference as a whole would have understood that the type of adhesive is not critical to the invention thereby making selection of the same within purview of one in the art, especially in light of the fact that the claimed adhesives are known in the art (page 2, lines 15-16 and 22-23 of present specification).

Regarding claims 23 and 25, the reference teaches the glass sheets having a thickness from 0.04-0.125 inches which is equivalent to 1.01-3.18 mm wherein the part of the range from 1.01-3.0 mm is consistent with Applicants claimed invention (column 3, lines 57-61). Selection of glass sheets having a core compressive strength from 1-50 MPa would have been within purview of one of ordinary skill in the art depending on the desired strength of the glass, especially in light of the fact that glass having a compressive strength within this range is known in the art (page 2, line 22).

#### ***Response to Arguments***

9. Examiner would like to acknowledge that Mattimoe initially recites in column 3, lines 43-50, a thickness for the glass sheets 15, 16 and adhesive interlayer 17 wherein the adhesive has a thickness of 0.03 inches (0.76 mm). However, the reference goes on to specifically state in lines 57-63 of the same column that despite the thicknesses recited in lines 43-50, the glass sheets may have a thickness from 1.01-3.18 mm and the adhesive interlayer may have a thickness from 0.38-1.52 mm. It is clear that the reference is referring to all embodiments of the invention depicted in Figures 2-4, but more importantly, it is clear that the reference is including

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the embodiment relied upon by examiner (Figure 3) in the rejection set forth above since the reference talks about the thickness of the plastic interlayers “within” the “glass parts” wherein the only plastic interlayer discussed in the reference and being located between glass sheets is plastic interlayer 17 depicted in Figure 3. Furthermore, it becomes abundantly clear that the reference is referring to interlayer 17 and not the plastic layer 18 because the reference goes on to state that due to the thicknesses recited for the glass sheets and interlayer it is necessary to vary the thickness of the plastic layer 18 (column 3, lines 63-68). Therefore, since the only plastic layers recited in the reference are interlayer 17 and layer 18 (comprising plastic layers 19-21) the reference has to be talking about interlayer 17 when reciting the thickness range of 0.38-1.52 mm.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **703-305-5419**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jessica L. Rossi  
Patent Examiner  
Art Unit 1733

*JLR*

jl  
August 21, 2002

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